

FILED
U.S. DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE GEORGIA
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION 2009 DEC 24 AM 9 35
WKS
DEPUTY CLERK

UNITED STATES OF AMERICA, :
Plaintiff, :
VS. : NO. 1:03-CR-14-003
LAROME SMITH, :
Defendant, :
AND :
SOCIAL SECURITY CREDIT UNION, :
Garnishee. :

CLERK'S NOTICE OF POST-JUDGMENT GARNISHMENT

You are hereby notified that your (Larome Smith) monies or other property are being taken by the United States of America which has a judgment in Court No. 1:03-CR-14-003 in the Middle District of Georgia, in the amount of \$13,600.00 plus post judgment. A balance of \$11,032.38 remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the government if Larome Smith, can show that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of Georgia.

If you are Larome Smith, you have a right to ask the Court to return your property to you if you think you do not owe the money to the government that it claims you do, or if you think the property the government is taking qualifies under one of the above exemptions.

If you want a hearing, you must notify the Court within 20 days after receipt of the notice. Your request must be in writing and either mailed or delivered in person to the Clerk of the United States District Court at: **201 W. Broad Ave., Albany, GA 31702**. You must also send a copy of your request to the United States Attorney at: U.S. Attorney's Office, Financial Litigation Unit, Post Office Box 1702, Macon, Georgia 31202-1702, so the government will know you want a hearing.

The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or soon after that as possible.

At the hearing you may explain to the Judge why you think you do not owe the money to the government. If you do not request a hearing within 20 days of receiving this notice, your property may be sold at public auction and the proceeds of the sale will be applied to the debt you owe the government.

If you think you live outside the federal judicial district in which the Court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the Court to the federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at: **201 W. Broad Ave., Albany, GA 31702**. You must also send a copy of your request to the government at U.S. Attorney's Office, Financial Litigation Unit, Post Office Box 1702, Macon, Georgia 31202-1702, so the government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal

assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can refer you to other sources of information.

GREGORY J. LEONARD, CLERK
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

By: Yvanda F. Sanders
Deputy Clerk

**NOTICE TO DEFENDANT
ON HOW TO CLAIM EXEMPTIONS**

The attached prejudgment or postjudgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) select either the Federal Bankruptcy Code exemptions or the state law exemptions, (ii) fill out the claim for exemption form, and (iii) deliver or mail the form to the Clerk's Office and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request a hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

CLAIM FOR EXEMPTION FORM

EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed \$6,250 in value.
- 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$3,125 in value.
- 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.
- 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

- ____ 8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

- ____ 9. Certain service-connected disability payments.-- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under--(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35,37, or 39 of such Title 38.

- ____ 10. Assistance under Job Training Partnership Act.
--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.

- ____ 11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

____ I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(_____
Address) or telephonically at (_____
Phone No.)

Debtor's printed or typed name

Signature of debtor

Date